

19CV148  
 Judge Feinerman  
 Mag. Judge Gilbert

FILED  
 JAN 08 2019  
 THOMAS G. BRUTON  
 CLERK, U.S. DISTRICT COURT

## DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

PET FOOD PENTOBARBITURITION, et al,

Plaintiffs

Vs

PHARMACEUTICAL CORPORATIONS, et al,

Producers of Pentobarbital;

AMERICAN VETERINARY MEDICAL  
 ASSOCIATION,

et al; and others inclusive, known and unknown,

Defendants

CASE #

COMPLAINT FOR: BREACH OF AN ABSOLUTE  
 DUTY TOPROTECT THE PUBLIC AND ITS PROPERTY  
 AGAINST

RISK OF HARM:

"GROSS NEGLIGENCE FOR PRIVATE GAIN"

" JURY TRIAL DEMANDED"

Pet food Pentobarbiturition, et al, (Plaintiffs), hereby complains and affirms as follows:

Plaintiff, et al, hereby brings this civil action, on behalf of themselves and, et al, against Defendants: Pharmaceutical Corporations, et al, producers of the drug-pentobarbital; American Veterinary Medical Association, et al; and all others inclusive, known and unknown. ... Hereby affirming that the Defendants in consequence of their failure to established administrative law for the proper and safely disposal of animals exterminated with the drug-pentobarbital, a drug selected and authorized by the federal government for the euthanization of animals, pet food had and still are getting contaminated with pentobarbital--causing therefore injuries to pets across the United States, and losses within the hundreds of millions of dollars to pet food manufacturers, brokers and consumers.

## JURISDICTION AND VENUE

Jurisdiction is proper upon this Court pursuant to 28 USC Sec.1332 (a)(1)-that it is a civil action between citizens of different States in which the amount in controversy exceeds the sum of \$75 000 00.

VENUE: Venue for this civil action is properly asserted in this judicial district pursuant to, inter alia, 28 USC Sec. 1291 (a)(2), due to the fact that substantial part of the injuries given rise to this civil action, for relief asserted herein, occurred in this judicial district.

## PARTIES

PLAINTIFFS: Plaintiffs reside and are citizens of the United States, some of the Plaintiffs are in the pet food industry, others are customers. ... NOTICE: the full extent of the facts linking the 'et al' Plaintiffs within this civil action, true names and/or capacities are to be define soon-after the summons had been served.

The American Veterinary Medical Association (AVMA), et al, President Michael Topper. ... The AVMA was founded in 1863 as a not-for-profit association representing more than 91000 United States veterinarians. ... The AVMA policies are set by the House of Delegates, made up of one delegate and one alternate delegate from each organization represented. .... The Board of Directors being the administrative body of the Association.

## FACTS

(1)-Since the beginning of the new millennium the federal government learned about the presence of the drug-pentobarbital in some of the pet food products. ...Early on 2017 pet food products again tested positive for pentobarbital==causing pet food products recalls and injuries to pet food manufacturers, brokers and consumers;

(2)-Since then several civil actions complaints have been filed by injured consumers against manufacturers of pet food products;

(3)-Plaintiffs, as a matter of fact hereby affirm that the contamination of the pet food products with pentobarbital as well as the injured consumers is not the failure of the pet food manufacturers, but the failure of those who profit from the production of the drug-pentobarbital--as well as those who profit from the application of the drug;

(4)-Plaintiffs as a matter of fact hereby affirms that the producers of the drug-pentobarbital as well as those who profit from the application of the same, have a social duty for the safely usage of the drug-pentobarbital, taken into consideration the before and after the fact effects of the same to the public in general;

(5)-Plaintiffs as a matter of fact hereby affirms that in consequence of the failure of the producers of the drug- pentobarbital to established administrative law for the safely usage of the drug-pentobarbital taken into consideration the before and after effects of the drug to the public in general, pet food got contaminated causing injuries to pet across the United States, causing also losses within the hundreds of millions of dollars to the manufacturers of pet food as well as to brokers and consumers;

(6)-Plaintiffs, as a matter of fact, hereby affirm that the American Veterinary Medical Association have a social duty and are in fact responsible for the establishment of polices for the proper and safely, before and after the fact, application of the drug to animals, particularly drugs for euthanization, such as the drug in question-pentobarbital;

(7)-Plaintiffs, as a matter of fact, hereby affirm that in consequence of the failure-negligence of the Food and Drug Administration to establish administrative laws for the proper and safely usage of the drug-pentobarbital, a drug selected and authorized by the federal government for the euthanization of animals, pet food across the United States have been and still are getting contaminated with such drug, causing therefore injuries to the public property as well as losses within the hundreds of millions of dollars, to the pet food manufacturers, brokers and consumers;

(8)-Plaintiffs, as a matter of fact, hereby affirms that in consequence of the failure of the Federal Drug Administration, Pharmaceutical Corporations, et al, producers of the drug pentobarbital, and the American Veterinary Medical Association, et al, to establish administrative laws for the proper and safely application and disposal of animals exterminated with the drug pentobarbital pet food across the United States had and still are getting contaminated with the drug-pentobarbital, causing therefore injuries to the public property as well as losses within hundreds of millions of dollars to the pet food manufacturers, brokers and consumers.

#### REQUESTED RELIEF

WHEREFORE, Plaintiffs move for a judgment against the Defendants as follows:

a)-For Plaintiffs' actual losses;

b)-For reasonable Attorneys' fees and other related expenditures;

c)-For cost of suit;

d)-For billion dollars punitive damages, or to be determine at trial;

e)-For those required injunctions;

f)- And Plaintiffs hereby demand for a Jury trial on all issues

hereby affirmed.

EXECUTED THIS 17 DAY OF DECEMBER 2018

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